

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	NO. CR 06-37 RSM
Plaintiff,)	
v.)	ORDER
)	CONTINUING TRIAL DATE
ANDRE DA COSTA,)	
)	
Defendant.)	
_____)	

Based upon the reasons stated in the joint motion of the parties to continue the trial date, and upon a review of the records and files herein, this Court adopts the stipulation of the parties and FINDS and RULES as follows:

The parties have jointly moved for a continuance of the trial. As grounds therefore, the parties have cited the unusual and complicated nature of the government's case, which involves a conspiracy to smuggle and transport illegal aliens, and involves other countries, including Brazil and Mexico, and other states, from Texas to Massachusetts. The parties have agreed that a continuance of the trial date is essential to ensure adequate preparation for trial and to ensure that the defense has an adequate opportunity to thoroughly investigate defense theories. A continuance of the trial date will ensure continuity of counsel, taking into account due diligence, and reasonable time necessary for counsel to effectively prepare for trial.

The parties agree that the ends of justice served by granting this motion to continue outweigh the best interest of the public and defendant in a speedy trial. The

1 defendant further agrees that he will execute an effective waiver of his rights under the
2 Sixth Amendment and the Speedy Trial Act, Title 18, United States Code, Sections 3161-
3 3174, which shall include the agreement that the period from the date of this Court's
4 Order until the new trial date of June 19, 2006, shall be an excludable period of time
5 pursuant to Title 18, United States Code, Section 3161(h)(8)(A).

6 It therefore appearing to the Court that the case is unusual and it would be
7 unreasonable to expect adequate preparation for pretrial proceedings and for the trial
8 itself without a continuance, even with diligent and good faith efforts by counsel to
9 prepare for trial, and it further appearing that the ends of justice served by granting the
10 requested continuance outweigh the interest of the public and the defendant in a speedy
11 trial,

12 IT IS ORDERED that the trial date be continued from May 22, 2006, until
13 June 19, 2006.

14 IT IS FURTHER ORDERED that the period of delay from the date of this Order,
15 until June 19, 2006, is excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A), for the
16 purpose of computing the time limitations imposed by the Speedy Trial Act,

17 DATED this _8_ day of May 2006.

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RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented By:

JOHN McKAY
United States Attorney

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*Signed electronically per telephone authorization.